

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

John Martin,	:
Plaintiff,	:
	:
v.	: File No. 2:07 CV 260
	:
Town of Brattleboro,	:
Audrey Garfield, Dora Bouboulis,	:
Barbara Sondag, and	:
Richard Garrant,	:
	:
Defendants.	:

ORDER

The Report and Recommendation of the United States Magistrate Judge was filed September 2, 2008. Defendant Bouboulis's objections were filed September 12, 2008 and Plaintiff's response was filed on September 17, 2008. Defendant Bouboulis filed a reply memorandum on September 22, 2008.

A district judge must make a *de novo* determination of those portions of a magistrate judge's report and recommendation to which an objection is made. Fed. R. Civ. P. 72(b); 28 U.S.C. § 636(b) (1); *Perez-Rubio v. Wyckoff*, 718 F.Supp. 217, 227 (S.D.N.Y. 1989). The district judge may "accept, reject, or modify, in whole or in part, the magistrate's proposed findings and recommendations." *Id.*

After careful review of the file, the Magistrate Judge's Report and Recommendation and the objections, this

Court ADOPTS the Magistrate Judge's recommendation in full with regard to the issue of legislative immunity raised by Defendant Bouboulis's motion. As Bouboulis has not challenged the viability of Plaintiff's substantial and procedural due process claims, the Court does not reach the issue resolved in its memorandum and order dated September 24, 2008, granting Defendant Sondag's motion to dismiss. (Paper 38).

Defendant Bouboulis's motion for judgment on the pleadings (Paper 25) is **DENIED**.

Dated at Burlington, in the District of Vermont, this 8th day of October, 2008.

/s/ William K. Sessions III
William K. Sessions III
Chief Judge